Jack L. Slobodin (#34203) Wayne P. Sobon (#161382) FISH & RICHARDSON P.C. 2200 Sand Hill Road, Suite 100 FILED Menlo Park, California 94025-6936 Telephone: (415) 322-5070 Facsimile: (415) 854-0875 JUN 1 3 1995 Attorneys for Plaintiff RICHARD W. WIE PENG TAN CLERK, U.S. DISTRUT COURT NORTHERN DISTRICT C IN THE UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA 9 10 Civil Action No. PENG TAN. 11 Plaintiff, 12 COMPLAINT FOR PATENT 13 vs. INFRINGEMENT MOTOROLA, INC., a Delaware JURY TRIAL DEMANDED 14 corporation, 15 Defendants. 16 17 Plaintiff, PENG TAN, by his undersigned attorneys, hereby 18 alleges as follows: 19 20 THE PARTIES Plaintiff PENG TAN ("TAN") is an individual residing at 1. 21 San Jose, California. Defendant MOTOROLA, INC. ("MOTOROLA") is, upon 23 2. 24 information and belief, a Delaware corporation that is doing business within this judicial district. 25 111 26 27 28

COMPLAINT FOR PATENT INFRINGEMENT

JURISDICTION AND VENUE

- This action arises under the patent laws of the United 3. States (35 U.S.C. § 1 et seq.). This Court has jurisdiction of the subject matter of this action by virtue of 28 U.S.C. § 1338(a).
- On information and belief MOTOROLA is doing business, and subject to personal jurisdiction, within this judicial district.
- Venue is proper within this judicial district based on 5. 28 U.S.C. § 1400(b) and on 28 U.S.C. § 1391(c).

CLAIM FOR PATENT INFRINGEMENT

- On July 28, 1987, United States Letters Patent No. 6. 4,682,857 (the "'857 patent") were duly and legally issued for an invention entitled "LIQUID CRYSTAL HOT SPOT DETECTION WITH INFINITESIMAL TEMPERATURE CONTROL." TAN is the sole owner, and at 17 | all times relevant herein has been the sole owner, of the '857 18 | patent.
- On information and belief, MOTOROLA has been, within six 20 | years prior to commencement of this action, and still is, infringing the '857 patent, by using hot spot detection methods embodying the patented invention to develop, manufacture, and sell semiconductor devices, within this judicial district and 24 elsewhere, without leave or license from TAN, and will continue to do so unless enjoined by this Court, in violation of 35 U.S.C. 26 | \$ 271.
- TAN has given written notice to MOTOROLA of its 28 infringement of the '857 patent.

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- 9. As a result of the infringing activities of MOTOROLA, TAN has been and continues to be damaged, including irreparable injury.
- 10. Upon information and belief, MOTOROLA has willfully infringed the '857 patent, making this an exceptional case and justifying the assessment of treble damages pursuant to 35 U.S.C. § 284 and attorney fees pursuant to 35 U.S.C. § 285.

PRAYER FOR RELIEF

WHEREFORE, TAN respectfully prays:

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- A. That a preliminary and final injunction issue against continued infringement of the '857 patent by MOTOROLA, its parents, subsidiaries, employees, agents, affiliates, and all those in privity or acting in concert with them;
- B. That the '857 patent be adjudged to have been infringed by MOTOROLA;
- C. That an Order issue requiring MOTOROLA to deliver to TAN all infringing devices that use, as well as all infringing devices developed through the use of, the methods of the '857 patent, in MOTOROLA'S possession, custody or control;
- D. That an Order issue requiring MOTOROLA to provide an accounting and awarding TAN damages arising out of infringement of the '857 patent by all those acting or participating in concert with MOTOROLA, and that such damages be trebled under 35 U.S.C. § 284 due to the willful and deliberate character of those infringements;
- E. For an award of prejudgment interest, and post-judgment interest, on the above damages award;

F. For an award of costs and reasonable attorneys' fees under 35 U.S.C. § 285 and other applicable laws; and

G. For such other and further relief, at law and in equity, as the Court may deem just and proper.

Dated: June <u>13</u>, 1995

FISH & RICHARDSON P.C.

By: Wayne P. Sobon

Attorneys for Plaintiff PENG TAN



Please take notice that plaintiff PENG TAN demands trial by

jury in this action of all issues properly triable by a jury.

FISH & RICHARDSON P.C.

By: Wayne P. Sobon

Attorneys for Plaintiff PENG TAN

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Dated: June $\sqrt{\frac{1}{2}}$, 1995